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Patent
Case No.: 58829US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: YANG, LIZHANG

Application No.: 10/687195

Group Art Unit: 2874

Filed: October 16, 2003

Examiner: Kevin S. Wood

Title: APPARATUS AND METHOD FOR TRANSITIONING FIBER OPTIC CABLES

RESPONSE TO RESTRICTION REQUIREMENTMail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]

I hereby certify that this correspondence is being:

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- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 571-273-8300.

9-9-05
Date
Signed by: Melanie G. Gover

Dear Sir:

This is in response to the Office Action mailed August 9, 2005. Claims 1-22 are pending. Claims 1-22 were restricted under 35 USC § 121 as follows:

- I. Claims 1-14 are said to be drawn to an apparatus for ribbonizing fiber optic cables, classified in Class 385, subclass 137;
- II. Claims 15-22 are said to be drawn to a method of making a ribbonized assembly, classified in Class 385, subclass 141;

Election

In response, Applicants elect Group I, with traverse.

Reconsideration and withdrawal or modification of the restriction requirement is respectfully requested.

In Group I, Applicants broadly claim an apparatus for ribbonizing fiber optic cables.

The Restriction Requirement in Paragraph 2 states:

"Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP §806.05(e)). In this case the apparatus as claimed can be used

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to practice another and materially different process, such as acting as a ferrule or holder for a bundle of fibers."

Applicants submit that the Groups I and II claims are so interrelated that a search of one group of claims will reveal art to the other. Moreover, the classification of Groups I and II claims in different classes and subclasses is not necessarily sufficient grounds to require restriction.

Were restriction to be effected between the claims in Groups I and II, a separate examination of the claims in Groups I and II would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups I and II would have to be as rigorous as when only the claims of Group I were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims of different categories are so interrelated. Further, Applicants submit that for restriction to be effected between the claims in Groups I and II, it would place an undue burden by requiring payment of a separate filing fee for examination of the nonelected claims, as well as the added costs associated with prosecuting two applications and maintaining two patents.

Conclusion

Applicants have elected Group I. Continued prosecution of this application is respectfully requested.

It is believed that no fee is due; however, in the event a fee is required, please charge the fee to Deposit Account No. 13-3723. The Examiner is invited to contact the undersigned at the indicated telephone number with questions that can be resolved with a simple teleconference.

Respectfully submitted,

Sept. 9, 2005
Date

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